

FEB 12 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION  
UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**SANTOS LOPEZ REYES,**

Petitioner - Appellant,

v.

**JOE McGRATH, Warden,**

Respondent - Appellee.

No. 06-56571

D.C. No. CV-04-00937-RGK

**MEMORANDUM**\*

Appeal from the United States District Court  
for the Central District of California  
R. Gary Klausner, District Judge, Presiding

Submitted February 4, 2008\*\*  
Pasadena, California

Before: **KOZINSKI**, Chief Judge, **O'SCANNLAIN** and **W. FLETCHER**,  
Circuit Judges.

The state court wasn't unreasonable, 28 U.S.C. § 2254(d)(2), in holding that  
petitioner wasn't prejudiced by wearing the stun belt, see Gonzalez v. Pliler, 341

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\* This disposition is not appropriate for publication and is not precedent  
except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral  
argument. See Fed. R. App. P. 34(a)(2).

F.3d 897, 903 (9th Cir. 2003), because “the other evidence of [petitioner’s] guilt at trial is so overwhelming that it renders the constitutional error harmless,” Hughes v. Borg, 898 F.2d 695, 702 (9th Cir. 1990). And petitioner isn’t entitled to an evidentiary hearing in federal court, as there is no indication in the record that he has sought “an evidentiary hearing in state court.” Bragg v. Galaza, 242 F.3d 1082, 1090 (9th Cir. 2001) (quoting Williams v. Taylor, 529 U.S. 420, 435 (2000)).

**AFFIRMED.**